

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UMS SOLUTIONS,

Petitioner,

- against -

BRAD CORNELL,

Respondent.
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17-CV-3119 (VSB) (HBP)

ORDER

VERNON S. BRODERICK, United States District Judge:

Petitioner UMS Solutions, doing business as Universal Imaging (“UMS”), commenced this action on April 28, 2017 pursuant to the Federal Arbitration Act, 9 U.S.C. § 9, to confirm and enforce an arbitration award against Respondent Brad Cornell. (Doc. 1.) Before me is Magistrate Judge Henry B. Pitman’s unchallenged Report and Recommendation, issued on November 6, 2018 (the “Report and Recommendation”), which recommends that I confirm the arbitration award and grant Petitioner’s application for attorneys’ fees and costs. (See Doc. 22 at 15.) Because neither party has objected to the Report and Recommendation, and because I find that Magistrate Judge Pitman’s Report and Recommendation is thorough and detailed, I accept its findings and recommendations and adopt the Report in its entirety.

I. Factual and Procedural Background

The facts set forth in the Report and Recommendation are incorporated herein by reference unless otherwise noted. I assume familiarity with the facts and recite here only those facts necessary for an understanding of the issues before me.

Petitioner filed its petition to confirm the arbitration award on April 28, 2017. (Doc. 1.) On February 26, 2018, I referred this case to Magistrate Judge Pitman for a report and

recommendation on the petition. (Doc. 15.) Magistrate Judge Pitman issued his Report and Recommendation on November 6, 2018, and gave the parties fourteen days from receipt of the Report to file written objections. (Doc. 22.) Respondent has not opposed the petition or otherwise appeared in the instant action, and did not file any objections to the Report and Recommendation.

II. Analysis

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews de novo the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation for clear error. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003); *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, the Report and Recommendation was filed on November 6, 2018. (*See* Doc. 22.) Although the Report and Recommendation explicitly provided that "the parties shall have fourteen (14) days from receipt of this Report to file written objections," (Doc. 22 at 15), neither party filed any objections. Accordingly, I have reviewed Magistrate Judge Pitman's thorough and well-reasoned Report and Recommendation for clear error and found none. *See Braunstein v. Barber*, No. 06 Civ. 5978(CS)(GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009)

(explaining that a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record”).


III. Conclusion

Accordingly, I adopt the Report and Recommendation in its entirety. Petitioner’s Petition to Confirm Arbitration Award is GRANTED and Petitioner’s application for attorneys’ fees and costs is GRANTED. Thus, (1) judgment is entered in favor of UMS in the amount of \$325,115.14; (2) UMS is awarded interest at the rate of 15% per annum on the sum of \$259,301.17 from September 1, 2016 until full payment is made, pursuant to Arbitrator Bianchi’s instructions; (3) UMS is awarded attorneys’ fees in the amount of \$10,077.50 and (4) UMS is awarded costs in the amount of \$400.

The Clerk’s Office is respectfully directed to enter judgment in favor of Petitioner and close the case.

SO ORDERED.

Dated: April 11, 2019
New York, New York


Vernon S. Broderick
United States District Judge